

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

INDEX# 15 CV 63 (JGK) (SN)

-----x
FORTUNATA LIANA IE, individually and in behalf
of all other persons similarly situated,

Plaintiffs,

-against-

AGEHA JAPANESE FUSION, INC., ZHONG HONG BAO,
and CHUN YONG CHEN, jointly and severally,

Defendants.

-----x

277 Broadway
New York, New York

December 9, 2015
10:42 a.m.

Examination Before Trial of the
Defendant CHUN YONG CHEN, pursuant to Order,
before Robert S. Barletta, a Notary Public of
the State of New York.

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A P P E A R A N C E S:

LAW OFFICE OF JUSTIN ZELLER

Attorneys for Plaintiffs

277 Broadway

New York, New York 10007

BY: JOHN GURRIERI, ESQ.

LAW OFFICES OF VINCENT S. WONG

Attorneys for Defendants

6008 8th Avenue

Brooklyn, New York 11220

BY: MICHAEL A. BRAND, ESQ.

ALSO PRESENT:

ARTHUR KWOK, Mandarin Interpreter

ZHONG HONG BAO, Observer

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND
AGREED by and between the attorneys
for the respective parties herein, that the
filing, sealing and certification of the
within deposition be waived.

IT IS FURTHER STIPULATED AND
AGREED that all objections, except as to
the form of the question, shall be reserved
to the time of the trial.

IT IS FURTHER STIPULATED AND
AGREED that the within deposition may be
sworn to and signed before any officer
authorized to administer an oath with the
same force and effect as if signed and
sworn to before the Court.

- oOo -

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Chen
A R T H U R K W O K, called as the
interpreter in this matter, was duly
sworn by the Notary Public of the State
of New York to accurately and faithfully
translate the questions to the witness
from English into Mandarin and the
answers given by the witness from
Mandarin into English.

C H U N Y O N G C H E N, called as a
witness, having been duly sworn by the
Notary Public, was examined and
testified as follows:

EXAMINATION BY

MR. GURRIERI:

THE REPORTER: Please state your full
name for the record.

THE WITNESS: Chun Yong Chen.

THE REPORTER: What is your address?

THE WITNESS: 666 60th Street
Brooklyn, New York 11220.

MR. GURRIERI: Mr. Chen, we are here
today for your deposition.

1 Chen

2 Q. Have you ever given a deposition
3 before?

4 A. No.

5 MR. GURRIERI: I will go over the
6 basic format and the rules. You have to
7 answer all of my questions verbally. So
8 that means head nods and gestures will not
9 do because everything is typed up and going
10 on the record.

11 Q. Do you understand that?

12 A. Yes.

13 MR. GURRIERI: You are also under oath
14 you took an oath at this deposition where
15 you swore to tell the truth. If you do not
16 tell the truth you may be liable under New
17 York criminal laws.

18 THE WITNESS: Okay.

19 Q. Is there any reason you cannot answer
20 my questions truthfully today?

21 A. No.

22 Q. Are you under the influence of any
23 drugs or alcohol today?

24 A. No.

25 Q. If you don't understand any of my

25 | Q. Where is your restaurant located?

Chen

Q. Have you maintained the records of the employees since 2012?

A. What type of records are you referring to?

Q. I mean, schedules or any written records of how much you paid your employees.

A. Yes.

Q. Can you hire and fire employees?

A. Yes.

Q. You had that power since 2012 until the present?

A. Yes.

Q. What about the other owner? What is his involvement with the restaurant?

A. He is an owner/shareholder. However, he doesn't manage the restaurant.

Q. You are a shareholder too; right?

A. Yes.

Q. How many shares do you have?

A. Fifty percent.

Q. He has the other 50 percent?

A. Yes.

Q. That is Zhong Hong Bao?

A. Yes.

25 | A. I don't remember 2012.

A C K N O W L E D G M E N T

STATE OF NEW YORK)

:ss

COUNTY OF _____)

I, CHUN YONG CHEN, hereby certify
that I have read the transcript of my testimony
taken under oath in my deposition of
December 9, 2015 that the transcript is a true,
complete and correct record of my testimony,
and that the answers on the record as given by
me are true and correct.

CHUN YONG CHEN

Signed and subscribed to before
me, this _____ day
of _____, 2015.

Notary Public, State of New York

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4	MR. GURRIERI		
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6	MR. BRAND		
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8	No.	Description	Page
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11	3	Sample of pay stubs-----	30
12	INFORMATION/DOCUMENTATION REQUESTED		
13		Page	Line
14	NONE-----		
15	QUESTIONS/ANSWERS MARKED IN THE TRANSCRIPT		
16		Page	Line
17	NONE-----		
18			
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C E R T I F I C A T E

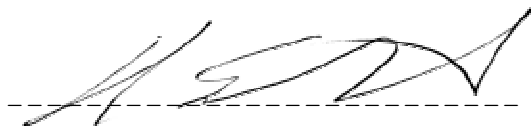
STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, ROBERT S. BARLETTA, a Notary
Public within and for the State of New York, do
hereby certify:

That CHUN YONG CHEN, the witness
whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a
true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 9th day of December, 2015.

A handwritten signature in black ink, appearing to read 'R. Barletta', is written over a horizontal dashed line.

ROBERT S. BARLETTA

December 9, 2015

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